IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13737 of 2005

Between:

All Castes Field Labour Co-operative Society, Rep. by its President, Sri Kottapalli China Rama Rao,
Alamuru Mandal, East Godavari District.

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments Department, Rajahmundry, East Godavari District.
2 The Regional Joint Commissioner, Multi Zone-1, Endowments Department, Kakinada, East Godavari District.
3 The Manager, Janardhana Swamy Temple, Madiki Village, Alamuru Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of respondents 1 to 3 herein in not conducting enqiry Under Section 82(2) of the Endowment Act with regard to the status of the members of the petitioners society being small and consequentially declare the action of the 3rd Respondent in holding auction of the lands in an extent of Ac. 14-50 cents of land in Sy.No. 30/2 and 32 of Madiki Village, Alamuru Mandal of East Godavari District as illegal, arbitrary and capricious and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.SUBRAHMANYAM

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

ORAL ORDER

The petitioner is a Co-operative Society who claims to have obtained lands on lease belonging to Sri Janardhana Swamy Temple, Madiki village, Alamuru Mandal, East Godavari District. According to the petitioner-society it has 50 members, all of whom are cultivating the lands obtained on lease by the petitioner and each of whom is a landless poor person within the meaning of the expression in Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act,1987. Each of the members of the petitioner-society is claimed to be cultivating only Ac.0.29 cents and that none of them have any other lands owned or cultivated by them. The petitioner society made a representation to the Assistant Commissioner, Endowments concerned to declare each member of the society as a landless poor person for obtaining the benefits under Section 82(2) of the Act.

By the impugned proceedings dated 06-06-2005 the 1st respondent rejected the claim of the petitioner-society on the ground that the petitioner-society which was the lessee is not a landless poor person within the meaning of the Act. The petitioner as against the said order preferred a revision to the 2nd respondent on 18-06-2005 and the same is pending. Along with the revision the petitioner also sought interim relief which application is also pending. Now the 3rd respondent has advertised for auction of the leasehold rights of the lands belonging to the subject-temple. If the auction is carried to its logical conclusion, members of the society would be dispossessed, is the petitioner's grievance.

As the petitioner's revision is pending before the 2nd respondent, the petitioner's claim to be being a landless poor person, or the challenge to the validity of the impugned order of the 1st respondent need not be gone into this writ petition as these fall to be considered by the revisional authority. As the petitioner has already been determined to be not a landless poor person by the 1st respondent, there is no impediment to the conduct of the auction at present and therefore no invalidity of the such conduct by the 3rd respondent.

On the above analysis, the petitioner is not entitled to any relief herein and as he had filed a revision before the 2nd respondent, the 2nd respondent is directed to

expeditiously consider and dispose at least the interlocutory application of the petitioner filed along with the revision, preferably within four (4) weeks from the date of receipt of a copy of this Order.

Accordingly, the writ petition is disposed of. No order as to costs.

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GODA RAGHURAM,J

29TH JUNE 2005

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To

1 The Assistant Commissioner, Endowments Department, Rajahmundry, East Godavari District.
2 The Regional Joint Commissioner, Multi Zone-1, Endowments Department, Kakinada, East Godavari District.
3 The Manager, Janardhana Swamy Temple, Madiki Village, Alamuru Mandal, East Godavari District.

4. Two CCs to G.P for Endowments, High Court Buildings, Hyderabad(OUT)

5. Two C.D.Copies.